

REGULATIONS



FALLOW DEER FARMING

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
LICENSE AND REVENUE BRANCH
3211 S STREET, SACRAMENTO, CA 95816

676. Fallow Deer Farming.

(a) General Provisions.

Fallow deer farming is defined as the rearing of fallow deer for commercial sale of meat and other parts or for sale of live fallow deer pursuant to these regulations. No person shall engage in any deer farming activity except as provided by the Fish and Game Code and regulations provided herein. Only fallow deer (*Dama dama*) may be possessed for deer farming purposes.

(b) Permit Information.

(1) Application. Application for a new fallow deer farming permit shall be made on Fallow Deer Farming Application, LRB 1676 (3/97), which is incorporated by reference herein. Application forms are available from the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, CA 95816. A new applicant shall complete the application form in its entirety, including information on the plan of operation, source of fallow deer, testing protocol and contingency plans for recapture of escaped fallow deer.

(2) Residency Requirement. Applicants shall be at least 18 years old and be residents of California.

(3) Inspection of Facility. No new fallow deer farming permit shall be issued until the applicant's facility is inspected and approved by the department. The department shall charge a fee pursuant to Section 2150.2 of the Fish and Game Code in an amount sufficient to cover the cost of the inspection.

(4) Term of a New Fallow Deer Farming Permit. Nontransferable, new fallow deer farming permits issued under the provisions of this section shall be valid for a term of one year. A permanent permit number shall be issued to the permittee for marking slaughtered fallow deer for transport.

(5) Fallow Deer Farming Permit Renewal. Fallow deer farming permits must be renewed by January 1 of each year. An inspection is required for the renewal of a fallow deer farming permit and may be accomplished by the department pursuant to the provisions of subsection (b)(3) above. In lieu of a department inspection, the department may approve a renewal application when a veterinarian, or other person who has obtained a degree in veterinary medicine from a college or university accredited by the American Veterinary Medical Association, certifies in writing that he/she has inspected the facility and found it to be in compliance with this section. If a veterinarian inspects the facility, he/she must certify that each of the permittee's fallow deer have been observed at least once during the prior year and that they have been appropriately cared for and appear healthy. No person shall falsely certify that

the facility has been inspected and that such facility is in compliance.

(6) Terminating a Fallow Deer Farming Permit. Any fully or partially certified fallow deer farm permitted pursuant to this section shall notify the department within 45 days of its intended termination of fallow deer farming operations. The permittee shall identify the number of fallow deer under his/her possession and the disposition of fallow deer upon termination of operations. Upon termination of operations, fallow deer shall be slaughtered for meat consumption or, with proper health certifications, sold to another permitted fallow deer operation in California or sold and transported out of state.

(7) Denial. The department may deny the issuance of a fallow deer farming permit for failure to comply with the terms and conditions of a permit or the provisions of this section. Any person denied a permit under these regulations may request a hearing before the commission to show cause why their permit should not be denied.

(8) Revocation. Any fallow deer farming permit issued pursuant to these regulations may be revoked or suspended at any time by the commission for failure to comply with the terms and conditions of the permit or for failure to comply with these regulations, after notice and opportunity to be heard, or without a hearing upon conviction of a violation of these regulations by a court of competent jurisdiction.

(9) Fees. Pursuant to sections 2150 and 2150.2 of the Fish and Game Code, the following fees have been established to offset costs of administering and enforcing the associated laws and regulations:

(A) Application Fee. The application fee for a new fallow deer farming permit shall be \$30.00 and shall be annually adjusted pursuant to Section 713 of the Fish and Game Code to offset the department's administrative costs of processing an application.

(B) Permit Fee. The fallow deer farming permit fee shall be \$200.00. This fee shall be annually adjusted (base year 1997) pursuant to Section 713 of the Fish and Game Code.

(C) Inspection Fee. The annual fallow deer farming inspection fee shall be an amount sufficient to cover the department's cost of inspection. If, in lieu of a department inspection, a qualified veterinarian performs the inspection pursuant to subsection (b)(5) above, the annual fallow deer farming inspection fee shall be waived.

(c) Certification. All new fallow deer farming facilities shall be fully certified by the department. Fallow deer farms allowed to operate under partial certification when the fallow deer regulations were initially adopted in 1994 may satisfy the requirements for full certification set forth in this section.

(1) Full Certification. Fully certified fallow deer farms shall comply with the following requirements:

(A) Marking. All fallow deer shall be marked in such a manner that they are individually identifiable as stock of the permittee.

(B) Testing. All fallow deer six months of age or older shall undergo two tests, at least 12 months apart, for tuberculosis and one test for brucellosis within three years of the owner being granted a fallow deer farming permit, unless the fallow deer were obtained from a fully certified herd in the state. Tests shall be administered and interpreted by a U.S. Department of Agriculture accredited veterinarian approved by the department.

(C) Negative Herd Status. Full certification will not be granted unless negative herd status (not having a significant possibility of being infected) is determined by the department.

(D) Movement of Live Fallow Deer. Only fully certified fallow deer farms in full compliance with the provisions of subsection (f) of this section may serve as sources within California for stock for new fallow deer farms. Fully certified fallow deer farms may sell, trade or transport live fallow deer to any person in California in possession of a valid fallow deer farming permit issued by the department. Permittees shall maintain records of such transactions, including the number of fallow deer transferred, identification of individual fallow deer and the name and address of the person receiving the fallow deer. The provisions of subsection (e) of this section shall be complied with when importing fallow deer stock from outside of California.

(2) Existing Partially Certified Fallow Deer Farms.

Existing partially certified fallow deer farms must comply with the following requirements:

(A) Marking. All fallow deer should be marked in such a manner that they are individually identifiable as stock of the permittee.

(B) Prohibition on Movement of Live Fallow Deer. Partially certified fallow deer farmers shall not sell, trade or transport, except to slaughter, live fallow deer in California.

(d) Sale of Meat. Fallow deer farmers may sell the meat of slaughtered fallow deer to persons within or outside of California. A receipt shall be prepared and included with each shipment of meat. This receipt shall show the date of the transaction, identify the quantity of meat sold and bear the name and permit number of the fallow deer farmer selling the meat. A copy of the receipt shall be retained by the permittee for a period of one year after the date of transaction. Any person may obtain meat from a fallow deer farmer and sell it to the ultimate consumer. No permit is required of persons reselling meat obtained from fallow deer farmers. (Note: Fallow deer shall be humanely slaughtered in compliance with Penal Code Section 597.)

(e) Importation of Fallow Deer for Farming. Fallow deer shall not be imported into California for the purposes of farming, except as provided by these regulations.

(1) Importation Application Requirement. A Fallow Deer Farming Importation Application, LRB 1676A (3/97), which is incorporated by reference herein, shall be completed in its entirety by permittees wishing to obtain fallow deer stock from outside California. This application and documentation identified below shall be submitted to the Department of Fish and Game, Wildlife Investigations Laboratory, 1701 Nimbus Road, Suite D, Rancho Cordova, California 95670. Application forms are available at this address. The approved Fallow Deer Farming Importation Application form must accompany the imported fallow deer stock.

(2) Health Certificate Requirement. A health certificate issued by a U.S. Department of Agriculture accredited veterinarian or other person who has obtained a degree in veterinary medicine from a college or university accredited by the American Veterinary Medical Association in the state from which the fallow deer stock is being shipped shall accompany the imported fallow deer stock. This health certificate shall contain the methods used for testing, the results of the testing and be correlated to identifying markings on fallow deer tested.

(3) Copy of Official Test Results Required. A copy of the official results from tests conducted in the state of origin shall be submitted with the Fallow Deer Farming Importation Application form. Information on the test methods used and the results for each fallow deer tested shall be included.

(4) Disease Tests Required.

(A) Bovine Tuberculosis Testing. The herd of origin shall have undergone official testing for bovine tuberculosis within 24 months of importation of fallow deer, using a Single Cervical Tuberculin (SCT) Test or a Blood Tuberculosis (BTB) Test. All fallow deer six months of age or older shall be tested for tuberculosis within 120 days prior to entry into California and shall have been classified negative for tuberculosis based upon an official test. (Note: It is recommended that imported fallow deer be tested 90-120 days after importation.)

(B) Brucellosis. The veterinarian issuing the health certificate shall attest that the fallow deer to be imported into California are not known to be infected with brucellosis and that the animals have not been in contact with animals of unknown brucellosis status. Fallow deer six months of age or older shall be tested for brucellosis within 30 days of entry into California.

(C) Other Disease Testing. The department shall reserve the right to require additional testing prior to importation when there is reason to believe other diseases, parasites or other health risks are present. The department shall provide written notification if such testing is required.

(f) Disease Prevention and Control.

(1) Herd Testing for Bovine Tuberculosis. Testing is not required if no fallow deer have been added to the herd except by birth and if imported fallow deer have been properly tested.

(2) Issuance of Hold Order if Herd Test is Positive. If a herd is found positive for bovine tuberculosis, a hold order will be issued by the State Animal Health Official, (the chief veterinarian or official for a state animal disease control program), and an epidemiologic evaluation of all fallow deer in the herd must be conducted by a State or USDA veterinarian. If the epidemiologic evaluation indicates a negative herd status, the hold order shall be removed. If the epidemiologic evaluation indicates a positive herd status (having a significant possibility of being infected), the herd shall be classified as infected. Positive status fallow deer shall be identified, and the department shall issue a hold order for the herd. The permittee shall immediately prepare a written plan for eliminating bovine tuberculosis from the herd. When this plan is approved by the department it shall constitute a memorandum of under-

standing between the permittee, the state and appropriate federal agencies to eliminate bovine tuberculosis from the infected herd. The department shall make every reasonable effort to minimize economic loss to the impacted permittee. (Note: The state has no indemnification for depopulation of an infected herd).

(3) Other Disease Testing. The department shall reserve the right to additional testing when there is reason to believe other diseases, parasites or other health risks are present. The department shall notify the permittee in writing if such testing is required.

(4) Retention of Health Records. The permittee shall maintain all health records of individual fallow deer for a minimum of three years.

(g) Facility and Maintenance Requirements. The following general housing and maintenance provisions shall be complied with in rearing fallow deer for farming:

(1) An enclosure shall provide no less than 800 square feet of area for one animal and another 200 square feet for each additional fallow deer.

(2) Perimeter fences shall be eight feet in height and shall be constructed of a minimum of 12.5 gauge woven wire or equivalent. Posts shall be of structurally sound 4 x 4 wood or equivalent.

(3) Natural or artificial shelter from the elements shall be provided for all animals.

(4) Potable water shall be provided for fallow deer at all times.

(5) Fallow deer shall be observed every day by the person in charge of the care of the animals or by someone working under his/her direct supervision. Sick or diseased, stressed, injured or lame fallow deer shall be provided with veterinary care or humanely destroyed.

(h) Availability of Records and Inspection of Facility by Department. Any person holding a fallow deer farming permit authorized under this section shall allow the department's employees to enter his/her premises upon request at a reasonable hour, to inspect facilities, fallow deer restraining equipment and fallow deer possessed by the permittee, or to inspect records required to be maintained by these regulations or federal regulations relating to fallow deer farming.